IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

WRIT PETITION No. 2478 OF 2002

PETITIONER : SUDHIR TIWARI, S/O. SHRI GIRIRAJ PRASAD TIWARI, AGED ABOUT 40 YEARS, FORREST RANGER, FOREST MANAGEMENT INFORMATION SYSTEM DIVISION-RAIPUR, DISTRICT - RAIPUR (CHHATTISGARH).

VERSUS

RESPONDENTS : 1. STATE OF CHHATTISGARH, THROUGH: PRINCIPAL SECRETARY, GOVERNMENT OF CHHATTISGARH, DEPARTMENT OF FOREST, RAIPUR (CHHATTISGARH).

2. PRINCIPAL CHIEF CONSERVATOR OF FOREST ADMISTRATION (NON-GAZETTED), JAIL ROAD, RAIPUR (CHHATTISGARH).

P.R. No. 961 9/12
Presented by Shri Sumeet Chandra
dated 13.4.02

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

W.P.No.2478/2002

मामला क्रमांक ..... सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

24.01.2003

Shri M.A.Siddiqui, counsel for the petitioner.

Shri Sanjay K. Agrawal, Dy. A.G. for the State.

Though this matter is listed for hearing on the question of admission, on the prayer of learned counsel for the petitioner and with the consent of State Counsel, the matter is being disposed of at the admission stage.

The challenge in this writ petition is to the order dated 04.10.2002 (Annexure P/1) whereby the petitioner has been transferred from Raipur to Raigarh. As the record indicates that initially the petitioner was posted at Bagbahra in the year 1996-97 from where he was transferred to Raipur sometime in the year 1997 where he was working as Incharge of Flying Squad and thereafter vide order dated 15.7.2002 he was transferred to the Forest Management Information System, Division Raipur where he joined on 22nd July 2002 and within three months thereafter the order of transfer has been passed.

To begin with, it may be stated that transfer is an incidence of service and person who holds a transferable post cannot object to his transfer as it is within the jurisdiction of the employer to determine as to where a particular employee should or should not be posted. However, there may be some cases of transfer which may be examined by the Court and these would normally be the cases where an employee has been subjected to frequent transfers or the transfer is by way of harassment or to

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

accommodate a particular person by bringing him back to the place from where that person was transferred and sending out the incumbent who had joined that particular place of transfer of the previous incumbent. Interference may be justified in cases of mala fide or infraction of any proposed norms or principles. Where career prospects remain unaffected and no detriment is caused, challenge to an order of transfer ought not to be entertained. Thus the challenge to an order of transfer, in the opinion of the Court, is to be considered in the above background.

It is the case of the petitioner that though ~~thx~~ he had hardly put in three months at Raipur, he was shocked to receive the impugned order (Annexure P/1) transferring him from Raipur to Raigarh. It is also stated that against his transfer petitioner has submitted a representation to the Principal Secretary, Forest Department as also Principal Chief Conservator of Forest, raising his grievance but the same has not been considered. The inaction on the part of the respondents in not considering his representation has compelled the petitioner to approach the Court for relief.

In view of the above, the Court thinks it appropriate to dispose of this writ petition with a direction to the respondents that in case a fresh representation is made by the petitioner to the concerned Authorities within ten days from today, the same shall be considered and disposed of expeditiously on its own

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आदेश पत्रक

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	merits on which the Court is not expressing any opinion. However, it will be open to the Authorities to consider maintaining status quo till such representation is disposed of. With the above observations and directions this writ petition stands disposed of. Consequently, M.W.P.No.1547/2002 and I.A.No.7850/2002 also stand disposed of. **Sd/-** **P.C NAIK** **Judge**	

Anja